

Appl. No. 10/730,346
Docket No. P-148
Amdt. dated January 10, 2011
Reply to Office Action mailed on October 13, 2010
Customer No. 27752

REMARKS

Claim Status

Claims 1, 2, 4-7, 9-11 and 55-59 are pending in the application.

Claims 55–59 were previously withdrawn as a result of an earlier restriction requirement. Consequently, Claims 1, 2, 4-7 and 9-11 remain under consideration.

With this Response, independent claim 1 has been amended. Support for this amendment can be found on page 9, line 31, through page 10, line 12, of the specification as filed. No new matter has been added, consequently entry of this amendment and reconsideration are respectfully requested.

Rejection Under 35 U.S.C. § 103(a)

Claims 1, 2, 4-7, and 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable Natural Balance in view of Hale, Scaglione (US Patent No. 5,094,870), Dogs Health, Royal Canin Dry Dog Food, Dry Dog Food, and Merck for reasons of record on pages 3-8 of the Office Action. Applicants respectfully traverse this rejection. However, without conceding the basis of the rejection and/or the combination of references as outlined in the Office Action, Applicants respectfully submit that the references, even when combined, fail to disclose, teach, or suggest all of the elements of the presently amended claims and thus submit that the rejection should be withdrawn.

Specifically, independent claim 1 now recites, inter alia, wherein at least a portion of both the soluble mineral component and the phosphate component are integrated within the composition and wherein at least a portion of both the soluble mineral component and the phosphate component are coated on the surface of the composition. Thus, the soluble mineral component and the phosphate component are each integrated within the composition and coated on the surface of the composition. Since the dependent claims all depend either directly or indirectly from independent claim 1, they necessarily include these element.

As best understood by Applicants, the references of record fail to teach or suggest this arrangement, specifically that the soluble mineral component and the phosphate component are each integrated within the composition and coated on the surface of the composition, in combination with the other elements of independent claim 1. Accordingly, Applicants

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respectfully submit that since all of the claim elements are not disclosed, taught, or suggested by a combination of the references, the rejection under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

This Response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,
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